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VIA CM/ECF

April 26, 2024

Mr. Mark J. Langer
Clerk, United States Court of Appeals
for the District of Columbia Circuit
United States Courthouse, Room 5423
Third & Constitution Ave., N.W.
Washington, DC 20001

RE: *People for the Ethical Treatment of Animals et al. v. Tabak et al.*, No.
23-5110 (D.C. Cir.)

Dear Mr. Langer:

I write to correct a misstatement at oral argument yesterday regarding the volume of off-topic comments contained on a post about providing care for individuals with Alzheimer's. I referred to that post, which is Exhibit 15 of the Joint Stipulation (JA245-46), as one in which there were "dozens and dozens" of substantially similar off-topic comments discussing animal testing. While that statement was accurate, I also erroneously suggested in response to Judge Millett's questions that the comment thread on that post contained several hundred total comments, of which about 100 discussed animal testing. Exhibit 15 contains 37 total comments, of which "the vast majority," JA116 (Dt. Ct. Op. 23), refer to animal testing. Other exhibits to the Joint Stipulation demonstrate that this occurs at the larger scale to which I referred, including at least one post that generated several hundred overall comments. *See* JA216-40 (Ex. 13); *see also* JA070-72 (Joint Stipulation ¶¶ 47-50) (identifying other examples). I apologize for this inadvertent error.

Sincerely,

Jennifer Utrecht
Attorney

cc: all counsel (via CM/ECF)